

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENNIFER MYERS, individually and on behalf
of all others similarly situated,

Plaintiffs,

MEMORANDUM AND ORDER
02-CV-4325 (DRH) (MLO)

- against -

THE HERTZ CORPORATION, a Delaware
Corporation,

Defendant.

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A P P E A R A N C E S :

For the Plaintiff:

Abbey Gardy, LLP
212 East 39th Street
New York, New York 10016
By: Stephen T. Rodd, Esq.

For the Defendant:

Epstein Becker & Green, P.C.
250 Park Avenue
New York, New York 10177
By: Kenneth W. DiGia, Esq.

HURLEY, District Judge:

Plaintiff Jennifer Myers, on behalf of herself and all others similarly situated (collectively “Plaintiffs”), moves for reconsideration of this Court’s May 18, 2006 Memorandum of Decision and Order which denied Plaintiffs’ request for leave to send notice of this action to all potential opt-in plaintiffs pursuant to 29 U.S.C. § 216(b). The motion for reconsideration is denied. First, it is untimely. Pursuant to Local Rule 6.3, Plaintiffs were required to serve their motion within ten days after the Court’s docketing of the original decision, viz. May 18, 2006. Plaintiffs’ motion was filed on June 26, 2006 and there is no indication that it was served any earlier. Second, Plaintiffs have not satisfied the strict standard for reconsideration as they have

not pointed to any “controlling decisions or [factual] data that the court overlooked – matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.”

Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). Accordingly, Plaintiffs’ motion is denied.

SO ORDERED.

Dated: July 17, 2006
Central Islip, New York

/s _____

Denis R. Hurley,
United States District Judge